UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,173	03/02/2000	Tsutomu Itou	500.38276X00	4778

20457 7590 10/28/2003		EXAMINER
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ART UNIT	PAPER NUMBER
2174	

SUITE 1800
ARLINGTON, VA 22209-9889

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/517,173	ITOU ET AL.
	Examiner	Art Unit
	Thomas T. Nguyen	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-19* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-16,18 and 19* is/are rejected.

7) ☒ Claim(s) *17* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>02 March 2000</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

FIRST OFFICE ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16,18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by

Yaegashi et al. U.S Patent No.5,956,453

As per claims 1,18,19: Yaegashi et al disclose an image information display

method for editing a motion picture as follows:

a representative image representing a series of frame images forming the motion

picture is displayed on a screen of a display device and a hierarchical structure based on a

plurality of the representative images is displayed on the screen (abstract, claims 1-2,8);

selecting first representative images in each of which a predetermined object (cut

point) to be detected is included, from the representative images based on an **image**

detection processing (claim 1, and col.6 lines 26-41, Fig.6B);

displaying a *first information* relating to the representative images including the

first representative images, to which the image detection processing has been performed

on said screen; and displaying a *second information* relating to said representative images,

to which said image detection processing has not been performed yet, with said first

information simultaneously on said screen (Figs.7A-B,8-9, and claims 2,9).

Regarding claims 2,12 in addition to what is recited in claim 1, *Yaegashi discloses*

the first information displaying the first representative images including the

predetermined object and the representative images not including said predetermined

object are distinctively displayed "A method of editing a moving image with the aid of a

computer while watching moving image information displayed on a screen includes a step

in which a plurality of reduced still images representing a video scene or a video cut

constituting moving image information is selected" (summary, col.1 lines 42-53).

Regarding claim 3, in addition to what is recited in claim 1, *Yaegashi discloses*

wherein the image detection processing is performed on the basis of at least one feature

possessed by the predetermined object which stored in a storage device, and the

representative images to which the image detection processing has not been applied are

applied to said image detection processing on the basis of a same features *"determining a*

hierarchical structure among the scenes and cuts represented by said reduced images in

accordance with the selection of reduced images representing a plurality of video scenes

or a plurality of video cuts constituting moving image information, a designation segment

for designating reduced images related to a predetermined hierarchical structure portion

in the hierarchical structure, and a display monitor for showing a hierarchical portion

including designated reduced images with such an arrangement as to show the

hierarchical structure" (abstract, claim 1).

Regarding claims 4 and 8, in addition to what is recited in claim 1, *Yaegashi*'s still

image (predetermined object) the image which related to an object appearing in the

motion picture, and the representative image which contains the predetermined object

"the reduced still images corresponding to the motion picture" (col.9 lines 48-49).

Regarding claim 5, in addition to what is recited in claim 1, *Yaegashi*'s system

inherently discloses a step of deleting a part of said first information on said screen "a

display for displaying an entire image of said hierarchical structure on a screen; and

a controller for controlling said detection means, said selecting means, said memory, said

designating means, said determining means and said display so that said <u>hierarchical</u>

structure is changed in accordance with a requirement of an operator." (claim 8, lines 35-37 and col.9 lines 15-22).

Regarding claims 6-7, in addition to what is recited in claim 1, *Yaegashi*'s system discloses a step of performing separately plural image detection processing on the basis of different features for predetermined objects, and displaying in combination of results of the plural image detection processing on the screen; and dividing the combined result into the respective results. *"a change point detection segment for detecting a change point of a moving image comparing adjacent frame images; detected in the cut change point detection segment 103 are described, a*

reduced moving image for high speed display; the cut change point is detected in the moving image information after; detecting change portions of said moving images and dividing the said moving images into said scenes and cuts; a controller for controlling said detection means, said selecting means, said memory, said designating means, said determining means and said display so that said hierarchical structure is changed in accordance with a requirement of an operator" (claim 8, Fig.6B).

Regarding claim 9, in addition to what is recited in claim 1, *Yaegashi*'s system displaying the representative image that combined with additional information which

relates to said predetermined object detected by the image detection processing on the screen (Figs.1,5,9).

Regarding claims 10-11, in addition to what is recited in claim 1, *Yaegashi*'s system discloses a display area including a feature for varying the first information on said screen; *and* selecting one of the representative images constructing the hierarchical structure, and applying the image detection processing to a series of frame images corresponding to said selected representative image *"In an editing apparatus according to an embodiment of the present invention which will be described in detail later, it is possible to display a part or the whole of this hierarchical structure on a monitor screen for editing"* (col.3 lines 37-51); and *"said hierarchical structure is changed in accordance with a requirement of an operator"* (claim 8).

Regarding claim 13, in addition to what is recited in claim 1, *Yaegashi*'s system displaying three windows simultaneously on the screen, the three windows including a first window which displays the hierarchical structure to edit the motion picture, a second window which displays a plurality of frame images applied said image detection processing, and a third window which displays the detection result of said image detection processing, wherein the operations of said three windows are linked with each other *"The window 201 (editing area) for editing further includes an operation key-area*

240. The operation key area 240 includes icons 241, 242, 243, . . . of editing function keys for designating various editing operations. It is possible to perform editing by putting a cursor on the editing function key area 240 by operating a mouse and designating a desired key icon. For example, when the key 241 for displaying cut table is designated, a window 203 is displayed on the screen. In the cut table window 203, reduced still images 210 to 214, . . representing respective cuts are displayed in the time series sequence as a cut table" (Fig.1, col.4 lines 12-20) .

Regarding claim 14, in addition to what is recited in claim 13, *Yaegashi*'s system discloses the representative images are displayed in said first window with an image size with which said hierarchical structure based on said representative images can be displayed in said first window, and the displayed representative image is designated by the GUI so that the designated representative image is applied to said image detection processing *"a step of determining a hierarchical structure among a plurality of scenes and a plurality of cuts represented by still images, a step of designating static images related to an optional hierarchical structure portion in the hierarchical structure, and a step of displaying the hierarchical portion including designated still images on a screen with such an arrangement that shows the hierarchical structure"* (abstract).

Regarding claim 15, in addition to what is recited in claim 14, *Yaegashi*'s system

discloses a plurality of representative images as editing materials displayed in the first

window so that information of the result of detection displayed in said third window and a

representative image as the editing material related to the information of the result of

detection are associated with each other (col.4 lines 1-31, Fig.1).

Regarding claim 16, in addition to what is recited in claim 1, *Yaegashi*'s system

discloses changing at least one of said representative image from which the image

detection processing is started to apply and the image detection processing is terminated

to apply, the change being made by operating icons displayed on said screen (col.3 lines

52-67).

Allowable Subject Matter

Claim 17 is objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Regarding claim 17, in addition to what is recited in claim 1, *Yaegashi*'s system

discloses *"moving image or the scene consisting of a plurality of frames is seen at a high*

speed, reduced images are stored in the magnetic storage device 106 as a moving image

reduced to the size displayed at a high speed as a high speed display image and displayed

as a representative image (col.4 lines 50-55); and *"changing coordinate positions on*

said screen of said representative still images displayed with said hierarchical structure

so that said representative still images and said frames are displayed within a

predetermined screen area" (claim 5). However, the particular features of "displaying an

object frame on the detected predetermined object, said object frame designating a part of

a selected frame image which contains said predetermined object; a step of making the

judgement of whether or not the same image information as image information of a

region enclosed by said object frame is included in the plurality of frame images applied

to said image detection processing; and a step of changing at least one of the size and

position of said object frame by operating icons displayed on said screen" is not teach or

suggest by the prior arts is now made of record (see PTO-892).

Conclusion

Any inquiry concerning this communication or earlier communications should be directed to the Patent Examiner **Thomas Nguyen**, whose telephone number is *(703) 308-7240* (Tuesday to Friday 09:00 - 7:30 ET) or *Kristine Kincaid Supervisory Patent Examiner*

(703) 308-0640. Other inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900 and Official-Fax number (703) 828-9306. Please label properly on the cover page of facsimile communications.

Thomas T. Nguyen

October 06, 2003

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